

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.14730 OF 2007

ORAL ORDER:

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This writ petition is filed seeking a declaration that the action of the respondents 4 and 5 in seizing 276 bags of rice under panchanama dated 27.6.2007 as arbitrary and illegal.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

A copy of the panchanama dated 27.6.2007 placed before this Court show that the Deputy Tahsildar (Enforcement), Mamada Mandal, along with the concerned Mandal Revenue Inspector, visited the fair price shop of the petitioner and having found that 5 quintals of rice was illegally stored in the shop, seized the entire stock found therein. The panchanama also shows that the fair price shop of the petitioner was sealed on the same day. The said action is under challenge in this writ petition.

Though the learned counsel for the petitioner vehemently contended that the allegations against the petitioner are false and without any basis, I am not inclined to express any opinion on merits, since it is a matter for enquiry by the 2nd respondent-Joint Collector, who is the competent authority to conduct enquiry under Section 6-A of the Essential Commodities Act, and pass appropriate orders whether the seized stock is liable to be confiscated or not.

However, I find force in the submission of the learned counsel for the petitioner that the impugned action of the 4th respondent in sealing the fair price shop is illegal. There is no provision under the Essential Commodities Act or the Control Orders, which empowers the authority effecting the seizure to seal the business premises, thereby depriving the dealer to carry on the business, while the authorisation granted under the A.P. Scheduled Commodities (Regulation of

Distribution by Card System) Order 1978 is subsisting.

In the circumstances, while leaving it open to the 2nd respondent to proceed with the enquiry under Section 6-A of the Essential Commodities Act and pass appropriate orders following due process of law, the respondents 2 to 5 are directed to remove the seals put to the fair price shop of the petitioner forthwith and allow her to carry on the distribution of the essential commodities to the card holders as long as she holds a valid authorisation. The seized rice bags shall be removed from the fair price shop in question and shall be kept in safe custody till appropriate orders are passed by the 2nd respondent. No costs.

(G. ROHINI, J.)

17th July, 2007.

Note:

Issue CC by tomorrow.

(Bo)

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WRIT PETITION No.14730 OF 2007

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17th July, 2007.

Between:

A. Ashavva.

..Petitioner.

And

The District Collector (Civil Supplies).
Adilabad District, Adilabad and others.

.. Respondents.